

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ZACHARY B. GILBERT,
Plaintiff,
v.
FCA US, LLC et al.,
Defendants.

Case No. 1:22-cv-01285-NODJ-EPG
ORDER RE: STIPULATION
(ECF No. 20).

In this removed action, Plaintiff asserts claims relating to an allegedly defective vehicle against Defendants FCA US, LLC; Gill Auto Group; and Does 1 through 10. (ECF No. 1). On February 8, 2024, the Court directed the Clerk of Court to enter judgment in favor of Plaintiff in the amount of \$30,000.00 pursuant to the terms of a Rule 68 offer of judgment. (ECF No. 18). The Clerk entered judgment on February 13, 2024. (ECF No. 19).

Additionally, the Court's order directed the parties as follows:

Given that the offer of judgment requires the filing of a dismissal with prejudice of the entire action, the parties shall file an appropriate dispositional document by no later than May 7, 2024. Alternatively, if the parties are unable to file a dispositional document by this date, they shall file a joint status report explaining the reasons for the delay and when they plan to file a dispositional document.

Also by May 7, 2024, Plaintiff shall file any motion for attorney's fees and related nontaxable expenses, assuming the parties are unable to resolve this issue. *See Fed. R. Civ. P. 54(d)(2)(B)(i)* (providing that a motion for attorney's fees and related nontaxable expenses must be filed no later than 14 days after the entry of judgment unless a court orders otherwise).

(ECF No. 18, pp. 2-3).

1 Now before the Court is the parties' stipulation, which states as follows:

2 WHEREAS, Plaintiff's issue of attorneys' fees, costs and expenses [is] unresolved.
3 As such, as the Parties request additional time to meet and confer regarding
4 Plaintiff's fees and costs in an attempt to resolve the issue without burdening the
Court;

5 WHEREAS, accordingly, Plaintiffs' Motion for Attorney's Fees and Application
for Costs are currently due on March 6, 2024[;]

6 WHEREAS, the Parties are in agreement that the Court enter the filing deadline of
7 Plaintiff's Motion for Attorneys' Fees, Costs, and Expenses for March 6, 2024 to
May 6, 2024 and continue jurisdiction until Plaintiff's attorneys' fees, costs, and
expenses are decided and funding is satisfied.

8 (ECF No. 20, p. 2).

9 However, pursuant to the Court's February 8, 2024 order, the deadline to file a motion for
10 attorney fees is not March 6, 2024; it was extended to May 7, 2024. (ECF No. 18).

11 Accordingly, IT IS ORDERED as follows:

- 12 1. The Court will take no further action regarding the parties' stipulation as the relief
13 requested is unnecessary. (ECF No. 20).
- 14 2. The May 7, 2024 deadlines to file an appropriate dispositional document and any motion
15 for attorney fees remain as set in the Court's February 8, 2024 order. (ECF No. 18).
- 16 3. To the extent that the attorney fee issue is not resolved by May 7, 2024, the parties shall
17 file a joint status report by May 7, 2024, explaining how they intend to proceed in this
18 case.

19 IT IS SO ORDERED.

20 Dated: March 8, 2024

21 /s/ *Eric P. Groj*
22 UNITED STATES MAGISTRATE JUDGE

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